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**BEFORE THE PUBLIC UTILITIES COMMISSION
OF THE STATE OF CALIFORNIA**

Application of Southern California Edison
Company (U 338-E) for Approval of Energy
Efficiency Rolling Portfolio Business Plan.

Application No. 17-01-013
(Filed January 17, 2017)

And Related Matters.

Application No. 17-01-014
Application No. 17-01-015
Application No. 17-01-016
Application No. 17-01-017
(Consolidated)

**OPENING COMMENTS OF SMALL BUSINESS UTILITY ADVOCATES
ON PROPOSED DECISION AWARDED INTERVENOR COMPENSATION
FOR D.18-05-041 AND D.18-10-008**

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April 6, 2020

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SUMMARY OF RECOMMENDATIONS

SBUA recommends approval of the Proposed Decision with the following changes. The Commission should:

- Affirm SBUA's claim of cost reasonableness, which the PD failed to do based on misplaced concerns that SBUA might be representing the financial interests of third parties seeking contracts. SBUA's mission is to represent small business ratepayers as a community at large. SBUA does *not* represent small businesses seeking contracts from EE Program Administrators.
- Reverse the PD's bulk cut of 74.3 hours for "double-booking." SBUA did not double book hours. As discussed below, these 74.3 hours were spent on a number of discrete issues that merit full compensation.
- Compensate SBUA for a reasonable amount of time to research, strategize, and prepare to participate in the CAEECC proceedings, which the PD otherwise cuts.
- Affirm that SBUA's contributions will afford small business ratepayers of PG&E, SCE, SDG&E and SoCalGas with significant benefits in excess of, and justifying, a full reimbursement of the costs of SBUA's participation.
- Order an award of \$81,563.25 to SBUA.

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FOR D.18-05-041 AND D.18-10-008**

I. INTRODUCTION

Pursuant to Rule 14.3 of the California Public Utilities Commission (Commission), Small Business Utility Advocates (SBUA) hereby submits these comments on Administrative Law Judges (ALJ) Fitch's and Kao's Proposed Decision (PD) concerning intervenor compensation awarded to SBUA for substantial contributions to D.18-05-041 and D.18-10-008. The PD slashes SBUA's requested compensation by 32.2% or \$26,610.

The PD correctly determines that SBUA significantly contributed to the two decisions and verifies *all* of SBUA's claimed contributions in Part II (A) (Intervenor's Claimed Contributions). There is no disagreement on these areas of substantial contribution.

But the PD's cutting of SBUA's compensation request by 32.2% is in error and fails to appreciate the whole record of SBUA's participation. As discussed further below, SBUA requests that the Commission correct these errors and approve our revised request for compensation in the amount of \$81,563.25.

II. LEGAL STANDARDS

The intervenor compensation provisions of the Public Utilities Code authorize the Commission to award compensation to consumers and groups who make substantial contributions to PUC decisions. (All further statutory references are to this code.) Section 1801 provides, “The purpose of this article is to provide compensation for reasonable advocate’s fees, reasonable expert witness fees, and other reasonable costs to public utility customers of participation or intervention in any proceeding of the commission.” Section 1801.3, subdivision (b), provides, it is the intent of the Legislature that “[t]he provisions of this article shall be administered in a manner that encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process.” To be eligible for compensation, Section 1802, subdivision (i), requires that the customer have made a “substantial contribution” to the PUC’s proceedings, as the PUC determines.

In addition, the Commission’s decisions on compensation awards must comply with Section 1757 (providing for court review) and must include findings that are supported by substantial evidence in light of the whole record.¹

III. DISCUSSION

A. SBUA Does Not Represent Financially Interested Parties Seeking Contracts

The PD raises concern that it is unclear who SBUA represents and SBUA should not be compensated for “representing small businesses seeking contracts.”² This concern is offered as one of the justifications to reject SBUA’s showing in Section III, A(a) of the Intervenors Claim of Cost of Reasonableness. This concern is without factual support. Nothing in the record indicates that SBUA might be representing small businesses seeking contracts.

¹ Section 1757; *see also The Util. Reform Network v. Pub. Utilities Com.*, 166 Cal. App. 4th 522, 536 (2008); *Southern California Edison Co. v. Public Utilities Com.*, 128 Cal. App. 4th 1, 10 (2005).

² PD, Part III (A)(a) (Intervenor’s Claim of Cost Reasonableness).

To the contrary, SBUA has consistently advised the Commission and PAs that our mission is to represent the *community* of small business ratepayers and that SBUA does not represent individual small businesses seeking contracts. For example, on March 14, 2017, SBUA filed its motion for party status in this EE proceeding “to represent, protect, and promote the interests of small business utility customers” and advised that SBUA’s advocacy would be “focusing exclusively on the *small business community* as a whole.”³ In addition, SBUA is a member of the PRGs and submitted declarations to each of the PAs indicating that SBUA is not a financially interested party with respect to potential bidders. These declarations are attached as Exhibit 1. Further, the Commission has routinely compensated SBUA for advocacy in promoting contracting opportunities among the small business community.⁴ This advocacy is for the public good to support small business communities.

Therefore, SBUA requests that the Commission affirm SBUA’s advocacy on behalf of small commercial customers and not discount SBUA’s efforts based on concerns that our advocacy might be on behalf of financially interested parties.

B. The PD Erroneously Slashes 73.4 Hours as Being Double Counted While Ignoring the Full Record of SBUA’s Substantive Contributions

SBUA allocated its hours and percentage of work in this proceeding to 7 different issue buckets, as follows:

- A. Equity for Small Business Customers – 92.7 hours or 35.64%
- B. Structural and Process Issues – 74.3 hours or 28.56%
- C. CAEECC Participation – 44.4 hours or 17.07%
- D. Application of Workforce Requirements – 12.3 hours or 4.73%
- E. Defining “Small Business Enterprise” – 11 hours or 4.23%
- F. Contract Modification/Termination – 9.2 hours or 3.54%

³ SBUA Motion for Party Status, filed March 14, 2017, pp. 2-3 (emphasis added).

⁴ See, e.g., D.18-8-011, Aug. 9, 2018, pp. 6, 10 (granting SBUA compensation for approximately 32 hours of time spent advocating for “Contracting Opportunities for Small Business”); D.20-02-061, Feb. 27, 2020, pp. 6, 11 (granting SBUA compensation for approximately 43.8 hours of time spent advocating for “Contracting Opportunities for Small Business”).

G. Other Issues (IOU Background Checks / Lighting Control Certification / Miscellaneous) – 16.2 hours or 6.23%⁵

This is a reasonable allocation of hours by issue and represents a good faith effort to comply with Commission guidance, including in D.85-08-012, where, in announcing proposed guidelines for allocation of hours by issue, the Commission concedes there is no definitive way for intervenors to organize hours by issue.

The PD disagrees with SBUA's allocation of issues and concludes that "SBUA has booked hours under two categories – Category (A) equity for small business customers and Category (B) structural and process issues. Both these topics are made to look like two separate issues, whereas they are really the same issue."⁶ The PD therefore disallowed the entire Category B of 74.3 hours, reducing the claim by \$22,330. This is false. SBUA did not double count hours.

Even assuming *arguendo* the selected issue categories were inartful, the evidence in the record, as a whole, still indicates that SBUA's hours were not double counted but reasonable and necessary to substantially contribute to favorable decision outcomes for small business ratepayers.⁷

The PD in Part II verifies all of SBUA's substantial contributions. The Commission incorporated many of SBUA's recommendations (*e.g.*, adopting a 5% penetration target for small commercial customers; including small commercial customers in the criteria for hard-to-reach (HTR) customers; establishing metrics for HTR customers; adding market penetration metrics for classes of customers; creating incentive structures that account for variations in barriers faced by differing customer segments (including small commercial customers); addressing strategies for split-incentive

⁵ PD, Part III (C).

⁶ PD, Part III (D), Item [3].

⁷ See *The Util. Reform Network v. Pub. Utilities Com.*, 166 Cal. App. 4th 522, 536 (2008) ("We also are to determine whether findings support the PUC's decision and, in turn, whether substantial evidence in light of the whole record supports those findings.").

barriers).⁸ SBUA therefore respectfully requests that the Commission acknowledge these substantial contributions as benefits to small business ratepayers and award SBUA compensation for the 73.4 hours submitted as Category B.

Alternatively, if the Commission prefers a different analysis of SBUA's collective 167 hours spent under Category A and B, SBUA offers that these hours can be attributed to sub-issues as follows:⁹

- Metrics and EM&V (including penetration targets for small business) - 56.1 hours
- Hard-to-Reach Customers (including HTR small commercial customers) - 23.5 hours
- Overcoming Barriers and Demand Response - 9.8 hours
- TRCs and ABALs - 4.4 hours
- Contracting and Financing Issues in Business Plans - 15 hours
- Substantive Work on Business Plans Not Falling in Other Categories - 44.6 hours
- General Participation on Business Plans - 10 hours

SBUA re-allocated these hours based on examining in detail the existing time entries already submitted to the Commission.¹⁰

C. The PD Discourages Intervention by a Broad Range of Ratepayer Groups

The Commission should not discourage a diverse group of stakeholders from attempting to participate in EE proceedings, as the PD does, by cutting SBUA's compensation in bulk by 32.2%.

The Legislator intended that the intervenor compensation statutes be implemented in a manner that "encourages the effective and efficient participation of all groups that have a stake in the public utility regulation process."¹¹ SBUA represents small businesses, an underrepresented customer class.

⁸ PD, Part II, Table 1 (Specific References to Intervenor's Claimed Contributions).

⁹ SBUA had requested in the PD that "[s]hould the Commission wish to see... some other breakdown of SBUA's hourly work, SBUA requests that we be so informed and provided an opportunity to supplement this request accordingly." PD, Part II (C).

¹⁰ Excluded from the reallocation of Category A and Category B hours is 3.4 hours for SBUA's time spent on California Advocates' request for a rehearing. *See* PD, Part III (D), Item [1] (deducting hours spent on the rehearing). SBUA does not contest this deduction.

¹¹ Section 1801.3, subdivision (b).

The PD, however, discourages participation by discounting SBUA's efforts to well below what is reasonable.

A large cut in compensation might be warranted if SBUA's hours were unreasonable, but they are not. In this docket, SBUA attorneys prepared and formally filed no less than 19 pleadings, analyzed numerous drafts of the Business Plans, and engaged in numerous workshops, hearings, negotiation sessions, and meetings. Also, SBUA's hours are in line with what is expected and compensated to other parties. SBUA's claim for compensation is significantly less than another intervenor TURN's claim of \$274,688, which was awarded in full for contributions to the exact same two decisions.¹² (SBUA fully supports TURN's award.)

D. The Commission Should Award SBUA a Reasonable Amount of Compensation for Researching and Preparing Strategies to Participate in the CAEECC

The Commission should award a reasonable number of hours for SBUA time to evaluate and prepare to participate in the CAEECC. The PD's proposes to cut 25% of SBUA's time allocated to CAEECC activities.¹³

This bulk cut is not justified. First, SBUA only spent 5.3 hour researching, strategizing, and preparing to participate in the CAEECC.¹⁴ It is unrealistic for the Commission to expect an intervenor to apply for and participate as a member of CAEECC without any internal preparation and strategy. It would be dereliction of attorney duties not to prepare in advance. Further, there is a benefit to the Commission for the community of small business ratepayers to be represented on the CAEECC,

¹² D.19-10-16, Oct. 10, 2019 (granting intervenor compensation to TURN for contributions to D.18-10-008 and D.18-05-041).

¹³ PD, Part III, section D [Item 3].

¹⁴ See SBUA Compensation Request, Att. 1 (Ms. Kriozere's time entries indicate 2.1 hours collectively over 4.13.17, 4.17.17, and 4.18.17) and Att. 2 (Mr. Birkelund's time entries indicate 3.2 hours collectively on 3.28.17, 4.13.7, 4.14.17, and 4.18.17).

especially as they have not been represented in the past. SBUA therefore requests that the Commission reject the PD's wholesale cut of 25% of SBUA's time relevant to participating in the CAEECC.

IV. CONCLUSION

For the reasons set forth above, SBUA respectfully request that the Commission revise the PD's findings as proposed in Appendix A and issue a decision that more accurately reflects SBUA's substantive participation in the amount of \$81,563.25.

Respectfully Submitted,

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Dated: April 6, 2020

SBUA APPENDIX A

**SUGGESTED MODIFICATIONS AGAINST THOSE FOUND
IN THE PROPOSED DECISION**

FINDINGS OF FACT:

4. The total of reasonable compensation is ~~\$56,152.38~~ \$81,563.25.

ORDER:

1. Small Business Utility Advocates shall be awarded ~~\$56,152.38~~ \$81,563.25.

Additional changes in the body of the decision follow in the attached redline version of the PD.

Decision **PROPOSED DECISION OF ALJ FITCH AND ALJ KAO**
(Mailed 3/16/2020)**BEFORE THE PUBLIC UTILITIES COMMISSION OF THE STATE OF CALIFORNIA**Application of Southern California Edison
Company (U338E) for Approval of Energy
Efficiency Rolling Portfolio Business Plan.

Application 17-01-013

And Related Matters.

Application 17-01-014
Application 17-01-015
Application 17-01-016
Application 17-01-017**DECISION GRANTING INTERVENOR COMPENSATION TO SMALL
BUSINESS UTILITY ADVOCATES FOR SUBSTANTIAL CONTRIBUTION
TO DECISIONS (D.) 18-05-041 AND D.18-10-008**

Intervenor: Small Business Utility Advocates	For contribution to Decision (D.) 18-05-041 and D.18-10-008
Claimed: \$ 82,862.25	Awarded: <u>\$81,563.25</u> 56,152.38 (reduced by 32.2%)
Assigned Commissioner: Liane Randolph¹	Assigned ALJ: Julie A. Fitch, Valerie Kao

PART I: PROCEDURAL ISSUES

A. Brief description of Decision:	Decision (D.) 18-05-041 modifies and approves the energy efficiency business plans of eight program administrators (PAs) and includes a required set of metrics and indicators to track progress towards energy efficiency goals. Decision (D.) 18-10-008 addresses workforce standards required to be applied by all energy efficiency program administrators (PAs) to all programs meeting certain size and measure criteria in their business plan portfolios.
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¹ Reassigned from Commissioner Carla J. Peterman on February 11, 2019.

B. Intervenor must satisfy intervenor compensation requirements set forth in Pub. Util. Code §§ 1801-1812:²

	Intervenor	CPUC Verification
Timely filing of notice of intent to claim compensation (NOI) (§ 1804(a)):		
1. Date of Prehearing Conference:	March 16, 2017	Verified
2. Other specified date for NOI:	N/A	
3. Date NOI filed:	April 17, 2017	Verified
4. Was the NOI timely filed?		Yes
Showing of eligible customer status (§ 1802(b) or eligible local government entity status (§§ 1802(d), 1802.4):		
5. Based on ALJ ruling issued in proceeding number:	A.16-09-001	Verified
6. Date of ALJ ruling:	October 27, 2017	Verified
7. Based on another CPUC determination (specify):		
8. Has the Intervenor demonstrated customer status or eligible government entity status?		Yes
Showing of “significant financial hardship” (§1802(h) or §1803.1(b)):		
9. Based on ALJ ruling issued in proceeding number:	A.16-09-001	Verified
10. Date of ALJ ruling:	October 27, 2017	Verified
11. Based on another CPUC determination (specify):		
12. Has the Intervenor demonstrated significant financial hardship?		Yes
Timely request for compensation (§ 1804(c)):		
13. Identify Final Decision:	D.18-05-041 and D. 18-10-008	Verified
14. Date of issuance of Final Order or Decision:	10/22/18 (for D. 18-10-008)	Verified
15. File date of compensation request:	12/21/18	Verified
16. Was the request for compensation timely?		Yes

² All statutory references are to California Public Utilities Code unless indicated otherwise.

C. Additional Comments on Part I: (use line reference # as appropriate)

#	Intervenor's Comment(s)	CPUC Discussion
1	On July 5, 2018, California Public Advocates (Public Advocates; formerly ORA) filed an application for rehearing of D.18-05-041. The Commission has yet to rule on the rehearing.	Noted: Commission approves hours claimed for their work directly related to D.18-10-008 and denies SBUA's hours worked on Cal PA's application for rehearing, because that was not in scope for the decision for which compensation is claimed.

PART II: SUBSTANTIAL CONTRIBUTION**A. Did the Intervenor substantially contribute to the final decision (see § 1802(j), § 1803(a), 1803.1(a) and D.98-04-059):****Table 1: Business Plan Decision D.18-05-041**

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
<p>A. Equity For Small Business Customers</p> <p>Since intervening in Energy Efficiency (EE) Business Plan Proceeding, SBUA has consistently advocated to ensure that small business customers, who fund EE programs, also appropriately benefit from those programs. SBUA has been actively engaging with the Commission, PAs, and other stakeholders to bring attention to equity issues surrounding EE investments and these smaller commercial customers.</p> <p>For example, SBUA has advocated for metrics that set more ambitious goals for reaching small business customers and to increase measures to more aggressively</p>	<p><u>References to Final <i>EE Business Plan Decision D-18-05-041</i>:</u></p> <p>Sec. 2.3 ("Portfolio and Sector-Level Metrics, and Associated Baselines and Targets"), p. 28 ("SBUA comments on the setting of targets for program penetration for small commercial customers. They suggest that all of the utilities set targets that are too low for this subsector, and that the penetration targets should not be set any lower than five percent. We agree this is a reasonable initial target and will require all of the utilities to use this as a minimum penetration target for small commercial businesses.")</p> <p>Sec. 2.3 ("Portfolio and Sector-Level Metrics, and Associated Baselines and Targets"), p. 28 ("We also agree with SBUA that since this decision clarifies the definition of hard-to-reach customers below in Section 2.5, in particular with respect to the</p>	Verified

<p>implement EE offerings for the small commercial subsector.</p> <p>SBUA has also advocated for the EE programs to more effectively target hard-to-reach commercial customers, including small commercial customers in disadvantaged communities. We have also supported a more inclusive definition of commercial hard-to-reach.</p> <p>In addition, SBUA joined other parties in advocating for a reconsideration of the immediate implementation of a 1.25 TRC (total resource cost) requirement, highlighting the detrimental impact the immediate implementation of the test would have on <i>small business</i> programs.</p> <p>Finally, SBUA’s advocacy has more generally supported Senate Bill (SB) 350’s goals and the Commission’s efforts to implement statewide EE goals, with a recognition that clean energy and pollution reduction benefit all ratepayers, including small commercial customers.</p>	<p>commercial sector, all of the PAs whose portfolios include commercial sector programs should be required to identify metrics for energy savings for hard-to-reach commercial customers.”)</p> <p>Sec. 2.4 (“Energy Efficiency and Demand Response Limited Integration Issues”), p. 37 (“At least \$20 million annually in IDSM funds shall be divided among the IOU PAs on the basis of load share to test and deploy solutions in <i>non-residential</i> HVAC and lighting controls,” (emphasis added)).</p> <p>Sec. 2.5 (“Disadvantaged Communities and Hard-to-Reach”), p. 44 (the Commission effectively agrees with SBUA that “small commercial customers” have been “underserved relative to large businesses, which benefitted disproportionately from the utilities’ energy efficiency programs” and the Commission concurs with the need to expand EE programs into this customer segment).</p> <p>Sec. 2.5 (“Disadvantaged Communities and Hard-to-Reach”), p. 46 (the “argument, that it may be reasonable to define hard-to-reach based on specific barriers that implementers face in engaging certain customers or customer segments, is well-taken . . .” resulting in the Commissions’ approval of hard-to-reach customers definition for residential and commercial customers).</p> <p>Sec. 2.5 (“Disadvantaged Communities and Hard-to-Reach”), p. 48 (“[W]e acknowledge the hard-to-reach definition in Resolution G-3497 may be overly narrow...” and include disadvantaged communities in the geographic criteria for hard-to-reach</p>	
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	<p>customers, including commercial customers.</p> <p><i>See</i> Sec. 2.6. (“Cost Effectiveness, Reasonableness of Business Plan Budgets”), p. 64 (CPUC recognizes “the types of trade-offs the PAs may have to face, in achieving or improving cost-effectiveness”).</p> <p><i>See</i> Sec. 4.2 (“BayREN”), pp. 99-101 (discussing BayREN’s desire to expand programs serving smaller commercial customers).</p> <p>Sec. 10 (“Comments on Proposed Decision”), pp. 145-146 (discussing SBUA’s and other parties’ recommendation to remove the requirement that the IOUs’ ABALs include a forecast portfolio TRC that meets or exceeds 1.25 and acknowledging that requiring a higher portfolio TRC will “necessarily limit plans to focus on presumably more costly customer segments or programs” such as hard-to-reach customers, disadvantaged communities, and customer segments that may be underserved but do not meet the criteria in Resolution G-3497.”)</p> <p>Finding of Fact 14, p. 160 (the criteria for hard-to-reach customers will include small businesses as well as businesses in disadvantaged communities, as identified by CalEPA pursuant to Health and Safety Code Section 39711).</p> <p>Conc. of Law 27, p. 175 (including disadvantaged communities, as identified by CalEPA, as an additional criterion for meeting the geographic component of the hard-to-reach definition).</p>	
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	<p>Ordering Paragraph 9, p. 183 (“All program administrators shall track progress toward the metrics and indicators included in Attachment A of this decision.”).</p> <p>Attachment A (“Adopted Common Metrics for Energy Efficiency Business Plans”) p. A4 (addition of market penetration metric for “small, medium, large” customers).</p> <p><u>References to SBUA Comments:</u></p> <p>SBUA Comments on Scoping Memo (June 22, 2017), p. 4 (Business Plans should include energy savings targets for small customers, explaining: “It is not reasonable for small customers to fund portfolios that primarily benefit large customers. For this reason, SBUA believes the business plans must include energy savings and/or investment targets for the commercial sector broken down by business size.”).</p> <p>SBUA Comments on Scoping Memo (June 22, 2017) pp. 6-7 (commercial hard-to-reach definition should not be limited in terms of geographic scope because other factors such as number of employees and the split-incentive problem with leased facilities are more accurate in identifying these customers.).</p> <p>SBUA Comments on Revised Sector Level Metrics and EE/DR Integration (July 24, 2017), p. 4 (“Breaking commercial sector metrics down by customer size is the best way to ensure that the benefits of EE programs are distributed fairly among small, medium, and large customers.”).</p>	
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	<p>SBUA Comments on Revised Sector Level Metrics and EE/DR Integration (July 24, 2017) pp. 6-7 (recommending near-term target of 5% market penetration for small commercial customers).</p> <p>SBUA Comments on Revised Sector Level Metrics and EE/DR Integration (July 24, 2017) p. 7 (PAs must include hard-to-reach metrics for small commercial customers).</p> <p>SBUA Final Comments on EE Business Plans (September 25, 2017), p.7 (“In the past, in recognition of the basic inequity of programs that disproportionately benefit large customers, the Commission has required that revenues and expenditures for non- residential energy efficiency programs be aligned by <i>both</i> customer class <i>and</i> customer subclass (i.e. revenue and spending had to be aligned by commercial/ industrial/agricultural and by small/medium/large).”).</p> <p>SBUA Final Comments on EE Business Plans (September 25, 2017) p. 9 (small businesses, particularly very small businesses, in leased facilities have historically had very low rates of participation in energy efficiency programs, and hard-to-reach definition should consider whether the business leases the facility they operate out of. CPUC should require IOUs to amend their business plans to conform to the new definition.),</p> <p>SBUA Final Comments on EE Business Plans (September 25, 2017) p. 10 (CPUC should require more ambitious market penetration targets for small</p>	
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	<p>commercial customers and hard-to-reach commercial customers).</p> <p><i>See generally</i> SBUA Reply Comments on EE Business Plans (October 13, 2017) (supporting expanded EE offerings for small businesses and joint cooperation between PAs).</p> <p>Response of the Joint Parties to ORA’s Application for Rehearing (July 20, 2018), p. 2 (“A move back to requiring a forecast TRC of 1.25 will impact customers who need energy efficiency the most and result in undue burden on hard-to-reach, small business, and disadvantaged ratepayers who must continue to fund efficiency programs but in practice will likely have minimal – if any – services available to them.”).</p>	
<p>B. Structural and Process Issues</p> <p>SBUA recommended a number of refinements to the structure of the EE business plans and related processes that should result in improved outcomes for small business customers.</p> <p>SBUA supported integration of EE and Demand Response (DR) with a focus on HVAC and lighting.</p> <p>SBUA also advocated for incentive structures that consider unique barriers faced by small business customers, including within disadvantaged communities, and SBUA offered specific suggestions regarding the design of</p>	<p><u>References to Final <i>EE Business Plan Decision D-18-05-041</i>:</u></p> <p>Sec. 2.1 (“Relationship to Energy Efficiency Potential and Goals and Senate Bill 350 Targets”), p.13 (“Other parties addressing this issue [including SBUA] emphasize that new or innovative strategies will be needed in order to achieve the 2030 doubling goal.”).</p> <p>Sec. 2.2.1. (“Design of Incentives to Customers or Implementers”), pp.17-18 (“Incentive structure should take into consideration the variation in barriers to efficiency upgrades faced by different customer segments, instead of being set uniformly for a measure class,” an issue SBUA consistently addressed in its advocacy).</p> <p>Sec. 2.4 (“Energy Efficiency and Demand Response Limited Integration Issues”), pp. 36-37 (“For the non-</p>	Verified

<p>incentives for small commercial customers.</p>	<p>residential sector, including small commercial customers, the energy efficiency and demand response integration efforts should be focused initially on HVAC and lighting controls.”).</p> <p>Sec. 2.5 (“Disadvantaged Communities and Hard-to-Reach”), p. 50 (“While not consistently called out as such, strategies aimed at addressing split incentive barriers, which is a major focus of the barriers study and the CEC’s resulting implementation efforts, should also help maximize the contribution of energy efficiency in disadvantaged communities when properly directed toward those communities.”).</p> <p>Sec. 5.1 (“MCE Business Plan Sector Level Proposals”) p.111 (“We anticipate needing to take a closer look at how to coordinate and design seamless integration of CCA and IOU energy efficiency portfolios in the future in an ongoing rulemaking proceeding.”)</p> <p>Sec. 7.1 (“Joint Cooperation Memos”) p. 122 (requiring greater cooperation between IOU and non-IOU PAs).</p> <p><i>See generally</i> Sec.1 (“Background”), p. 7 (noting SBUA Comments on Attachment B of Scoping Memo).</p> <p><u>References to SBUA Comments:</u></p> <p>SBUA Motion Requesting Party Status (March 14, 2017), p. 5 (“Well-designed initiatives to advance Lighting, HVAC, and Plug Load & Appliances, among other things, can greatly assist small businesses, and the BPs should encourage EE staff and departments to tailor programs to penetrate the small business market.”).</p>	
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	<p>SBUA Comments on Revised Sector Level Metrics and EE/DR Integration (July 24, 2017), pp. 8-9 (supporting staff proposal for EE/DR integration, noting the need to improve small commercial participation in HVAC programs, recommending enhanced education and outreach).</p> <p>SBUA Final Comments on EE Plans (Sept. 25, 2017), p. 7 (indicating that IOUs should align program funds with customer classes those programs benefit).</p> <p>SBUA Final Comments on EE Plans (Sept. 25, 2017), p. 8 (proposing a set-aside for small businesses if alignment of funds by class is disfavored).</p> <p>SBUA Comments on Revised Sector Level Metrics and EE/DR Integration (July 24, 2017), pp. 9-10 (noting the need to differential between residential and commercial in program design).</p>	
<p>C. CAEECC Participation</p> <p>SBUA consistently supported a collaborative approach between PAs and stakeholders, and to have <i>small business</i> representatives participate in the California Energy Efficiency Coordinating Committee (CAEECC) and Procurement Review Groups. As a member of the California Energy Efficiency Coordinating Committee (CAEECC), SBUA worked to place a greater focus on small business programs. This has resulted in greater collaboration between PAs and</p>	<p><u>References to Final <i>EE Business Plan Decision D.18.05.041</i>:</u></p> <p><i>See</i> Sec. 1 (“Background”), p. 3 (confirming and approving of D.15-10-028 and the establishment of a “collaborative process for developing business and implementation plans through a stakeholder-led coordinating committee”).</p> <p><i>See</i> Sec. 1 (“Background”), pp. 6-7, (acknowledging CAEECC work on sector-level metrics issues, a process to which SBUA was and continues to be an active participant).</p> <p>Sec. 2.6. (“Cost Effectiveness, Reasonableness of Business Plan Budgets”), p. 59 (“Some parties</p>	Verified

<p>stakeholders with regard to equity issues.</p> <p>SBUA also participated in the CAEECC review of budget advice letters, as laid out in the business plan decision.</p> <p>In addition, SBUA continued to advocate for a small business representative to participate in the Priority Review Groups (PRG). <i>See</i> SBUA Final Comments on EE Business Plans (September 25, 2017), p. 11 (PRGs should include a small business representative). While the Commission did not directly address SBUA's concern in the Business Plan Decision, SBUA meanwhile applied for, was accepted, and has been participating as a member of the PRGs.</p>	<p>emphasize the point that the annual review process should be ministerial, which we also prefer insofar as it both reflects and reinforces a collaborative stakeholder process. This condition, i.e., the need for collaboration, is absolutely essential...").</p> <p>Sec. 8.2.1. ("Collaboration in the CAEECC Process"), pp. 138-139 (directing the CAEECC facilitator to report on PAs' responsiveness to all stakeholders input).</p> <p>Ordering Paragraph 9, p. 183-184 ("Commission staff is authorized to develop reporting templates, frequency, and instructions and develop a review strategy incorporating input from [CAEECC]").</p> <p>Ordering Paragraph 42, p. 191 (review of ABALs with CAEECC input).</p> <p>Ordering Paragraph 52, p. 193 (CAEECC facilitator to provide "an assessment of collaboration in the CAEECC process, including program administrators' responsiveness to stakeholder input and all stakeholders' (including the program administrators) flexibility in reaching outcomes that are mutually agreeable.").</p>	
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Table 2: Workforce Decision D.18-10-008

Intervenor's Claimed Contribution(s)	Specific References to Intervenor's Claimed Contribution(s)	CPUC Discussion
D. Application of Workforce Requirements	<u>References to Final Workforce Decision D-18-10-008:</u>	Verified

<p>SBUA supported limiting the proposed workforce standards to projects receiving an incentive amount exceeding a defined threshold. SBUA agreed with parties that workforce standards could have the dual benefit of providing economic benefits to employees, particularly those living in low-income and disadvantaged communities, while also ensuring the quality of the work, which benefits customers. However, SBUA supported a threshold because applying the standards across the board could have a detrimental impact on small businesses.</p> <p>SBUA also commented on the need to revisit the threshold amounts the Commission would set for the incentive amount triggering application of the workforce requirements.</p>	<p>Conc. of Law 6, p. 71 (“To gain experience with workforce requirements, it is reasonable to limit their application, at least initially, to large non-residential HVAC and lighting controls projects.”).</p> <p>Conc. of Law 7, p. 71 (“The Commission should impose workforce requirements for HVAC projects where the incentive reserved is \$3,000 or more.”).</p> <p>Conc. of Law 8, p. 71 (“The Commission should impose workforce requirements for lighting controls projects where the incentive reserved is \$2,000 or more.”).</p> <p>Sec. 2.1. (“General Applicability of Workforce Requirement”), p. 12 (“[W]e prefer to start by phasing in the standards, starting with larger non-residential projects only . . .”).</p> <p>Sec. 2.1. (“General applicability of workforce Requirement”), p. 9 (“SBUA also supports application only to large projects,” and the Commission ultimately adopts this).</p> <p>Sec. 2.2 (“HVAC Standard”), p. 16 (“[I]t appears that the majority of the largest non-residential HVAC projects could be captured by applying the standard when the project incentive amount is \$3,000 or more.”).</p> <p>Sec. 2.2 (“HVAC Standard”), p. 15 (The Commission effectively agrees with SBUA and notes “SBUA feels that cost thresholds, however defined, should be a short-term solution and will need to shift over time”).</p>	
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	<p>Sec. 2.3 (“Specific Lighting Controls Standard”), p. 24 (“it appears that an incentive amount of \$2,000 would be appropriate, capturing some of the smaller projects and all of the larger projects involving lighting controls in non-residential settings.”).</p> <p><u>References to SBUA Comments:</u></p> <p>SBUA Opening Comments on Ruling Seeking Comment (August 6, 2018), p. 3 (“It is important that the requirements placed on contractors are not so stringent as to drive up costs on small projects.”).</p> <p>SBUA Opening Comments on Ruling Seeking Comment (August 6, 2018), pp. 3-4 (Indicating the Commission should impose prevailing wage on large projects only.).</p> <p>SBUA Opening Comments on Ruling Seeking Comment (August 6, 2018), p. 4 (SBUA supported tiered approach with cost thresholds for HVAC and proposing informational requirements.).</p> <p>SBUA Opening Comments on Ruling Seeking Comment (August 6, 2018), pp. 5-6 (SBUA supported a tiered approach with cost thresholds for lighting and proposing informational requirements.).</p> <p>SBUA Reply Comments on Ruling Seeking Comment (August 13, 2018), p. 3 (indicating that more research is needed before applying workforce requirements to small businesses).</p> <p>SBUA Opening Comments on PD (September 27, 2018), p. 2 (“SBUA supports the PD’s proposal to set the threshold for workforce standards in HVAC at \$10,000, based on the</p>	
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	incentive amount. These threshold amounts will exclude smaller EE projects, which is necessary to encourage contractors to seek smaller projects.”).	
<p>E. Small Business Enterprise Definition</p> <p>SBUA recommended a simpler, California-focused definition of “small business enterprise.”</p>	<p><u>References to Final Workforce Decision D-18-10-008:</u></p> <p>Conc. of Law 31, p. 75 (“It is appropriate to define Small Business Enterprise according to Title 2, Section 1896.12 of the California Code of Regulations. The diverse business requirements can then be covered by the GO 156 definitions set forth by the Commission.”).</p> <p>Sec. 4.4 (“Definition of Small Business Enterprise”), pp. 52-53 (“We agree with SBUA that the SBE definition provided in the modifiable terms is overly narrow. . . we prefer SBUA's recommendation to reference a California definition, rather than the more complex Federal version. Thus, we will require that SBEs be defined according to Title 2, Section 1896.12, of the California Code of Regulations.”).</p> <p>Sec. 4.4 (“Definition of Small Business Enterprise”), p. 53 (“Finally, SBUA argues that making the SBE definition include the "socially disadvantaged" concept is also redundant, since the other modifiable terms include references to the Commission's General Order 156”).</p> <p><u>References to SBUA Comments:</u></p> <p>SBUA Response to Proposed Third-Party Contract Terms (April 2, 2018), pp. 3-4 (the Commission should “adopt the definition in the California Code of</p>	Verified

	<p>Regulations (Cal. Code Regs., tit. 2, § 1896.12), which is much simpler than the Federal definition ”).</p> <p>SBUA Comments on PD (September 27, 2018), p. 3 (urging the Commission to adopt the definition in Title 2, Section 1896.12, of the California Code of Regulations and to consider utilizing the definition in the Small Business Procurement Act of 2017, in the future).</p> <p>SBUA Reply Comments on PD (October 2, 2018), pp. 1-2 (supporting the definition in California Code of Regulations section 1896.12 instead of the definitions used in D.10-10-032 and Resolution E-4939).</p>	
<p>F. Contract Modification/Termination</p> <p>SBUA advocated for more equitable terms in the standard contract provisions. SBUA opposed including a termination for convenience term that would allow IOUs to unilaterally cancel contracts due to concerns about the financial risk this provision would place on contractors.</p> <p>In addition, SBUA recommended modifying the remedies available to contractors in the event that a Commission order modified or terminated the original agreement. SBUA recommended allowing contractors to suggest modifications that would allow compliance with the Commission order. In the event contractors and IOUs could not</p>	<p><u>References to Final Workforce Decision D-18-10-008:</u></p> <p>Conc. of Law 22, p.74 (“IOUs should not be permitted to include a "termination for convenience" term in their standard contract terms.”).</p> <p>Conc. of Law 23, p. 74 (“The IOU standard contract term related to termination and/or modification as a result of a Commission order should include provisions that allow costs or expenses undertaken in good faith by the third party to be compensated under the terms of the agreement.”).</p> <p>Conc. of Law 24, p. 74 (“The option for a third party to request arbitration or mediation should be required for contract dispute resolution. The utilities should be required to engage in arbitration or mediation in good faith if requested by a third party.”).</p> <p>Sec. 3.4 (“Termination for Convenience”), p. 37 (“We agree with</p>	Verified

<p>agree on modifications, SBUA suggested mandating the IOUs to engage in arbitration/mediation in good faith. SBUA also supported allowing contractors to recover costs reasonably incurred in preparation to perform contractual duties.</p>	<p>most of the parties commenting that this open-ended provision for termination for convenience, which effectively allows termination for any or no reason, has no place in a standard contract for energy efficiency services.”).</p> <p>Sec. 3.5 (“Termination/Modification of Commission Order”), p. 39 (“SBUA, in its comments on the proposed decision, suggests that not only should third parties have the option to request arbitration or mediation, the utilities should also be required to engage in such options in good faith.”).</p> <p>Sec. 3.5 (“Termination/Modification of Commission Order”), p. 39 (“We agree that the contractor should have the ability, in these circumstances, to adjust its approach to comply with the Commission’s order, or, in the event that is not possible, to recover costs reasonably incurred under the terms of the agreement.”).</p> <p>Sec. 3.5 (“Termination/Modification of Commission Order”), p. 40 (“We agree with SBUA that this requirement also includes the requirement that the utilities engage in mediation or arbitration in good faith.”).</p> <p><u>References to SBUA Comments</u></p> <p>SBUA Response to Proposed Third-Party Contract Terms (April 2, 2018), pp. 5-6 (“Small contractors are unable to bear the costs incurred when a program is substantially modified or terminated by order of the CPUC, and small contractors may forgo participating in the solicitations altogether given that the cost of a terminated program could threaten a small business’ continued viability.”).</p>	
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	<p>SBUA Comments on PD (September 27, 2018), pp. 5-6 (“SBUA also recommends that the Commission revise the other termination remedies available to contractors to clarify that not only do contractors have the right to request mediation or arbitration but the IOUs must actually engage in good faith in any such requested mediation or arbitration.”).</p> <p>SBUA Reply Comments on PD (October 2, 2018), p. 4 (“Expanding contractual remedies for contractors upon termination or modification of their contracts is a reasonable provision that will increase the ability of contractors – and especially smaller contractors – to participate in the program.”).</p>	
<p>G. Other Issues (IOU Background Checks / Lighting Control Certification / Miscellaneous)</p> <p>SBUA expressed concern over the IOUs’ pre-employment requirements including drug tests and background checks. These background checks can be costly to perform, particularly for small businesses. Therefore, SBUA urged the Commission to limit background checks to situations where an employee may have access to customer data or premises and to offenses that are relevant to an employee’s job function.</p> <p>SBUA opposed requiring contractors to demonstrate California Advanced Lighting Controls Training Program</p>	<p><u>References to Final Workforce Decision D-18-10-008:</u></p> <p>Conc. of Law 18, p. 73 (“IOU-proposed terms on background checks of third party employees and contractors were overly broad and should be scaled back to be appropriate to the job task and to avoid potential for creating barriers for disadvantaged workers. Background checks need not have been conducted prior to employment, but should be required for those individuals who have access to customer premises.”).</p> <p>Conc. of Law 19, p. 73 (“Drug testing is an appropriate requirement only for some types of job functions and should be negotiable depending on the service being delivered under the third-party contract.”).</p> <p>Sec. 3.3 (“Background Checks”), p. 32 (“We agree with the commenters that the IOU requirements are overly broad</p>	Verified

<p>(CALCTP) certification because of the concern that this may limit disadvantaged workers and smaller contractors' ability to work on these projects. Though the Commission did not adopt SBUA's recommendation, the Final Decision left the door open for contractors to suggest additional certifications to CALCTP.</p>	<p>and may restrict the ability of businesses to provide services for energy efficiency.”).</p> <p>Sec. 3.3 (“Background Checks”), p. 32 (“SBUA comments that very few businesses have the resources to conduct pre-employment background checks, and therefore this provision will prevent a large number of small businesses from putting forward proposals.”).</p> <p>Conc. of law 14, p. 72 (“Program administrators should be authorized to file a Tier 2 advice letter to propose to add lighting controls certification providers in the future in addition to CALCTP, as long as the certification program has characteristics equivalent to CALCTP (such as, not manufacturer-specific).”).</p> <p>Sec. 2.3 (“Specific Lighting Controls Standard”), p. 23 (“Thus, for now, we will limit the requirements to the CALCTP certification, since we are still only applying the requirements to large projects. Should other certifications become more widely available, we will consider them in the future and/or look to the requirements that the CEC may consider appropriate as part of the responsible contractor policy under development in response to SB 350.”).</p> <p>Finding of Fact 10, p. 69 (“Requiring the workforce standards in all third-party solicitations issued after the effective date of this decision by IOUs and all other new or renewed programs beginning July 1, 2019 will balance timely implementation and provide market certainty.”).</p> <p><u>References to SBUA Comments</u></p>	
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	<p>SBUA Comments on Ruling Seeking Comments (August 6, 2018), p. 5-6 (the lighting controls standard should be limited to larger projects).</p> <p>SBUA Opening Comments on PD (September 27, 2018), p. 4 (opposing the CALCTP certification and in the alternative urging the Commission to require it only for large projects.).</p> <p>SBUA Opening Comments on PD (September 27, 2018), p. 4 (“Requiring employers to conduct background checks represents a financial hurdle for all but the largest businesses, as conducting these checks requires significant time and resources”).</p> <p>SBUA Reply Comments on PD (October 2, 2018), pp. 3-4 (“Therefore, the Commission should adjust the applicability of the workforce standards to new solicitations or those renewed after January 1, 2019.”).</p>	
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B. Duplication of Effort (§ 1801.3(f) and § 1802.5):

	Intervenor’s Assertion	CPUC Discussion
a. Was the Public Advocate’s Office of the Public Utilities Commission (Cal Advocates) a party to the proceeding?³	Yes	Yes
b. Were there other parties to the proceeding with positions similar to yours?	Yes	Noted
c. If so, provide name of other parties:		Noted
California Public Advocates (Public Advocates), Natural Resources Defense Council (NRDC), Coalition for Energy Efficiency (CEE), Rural Hard to Reach Local Government Partnerships’ Working Group (RHTR), The Utility Reform Network (TURN), and Greenlining Institute, BayREN, MCE,		

³ The Office of Ratepayer Advocates was renamed the Public Advocate’s Office of the Public Utilities Commission pursuant to Senate Bill No. 854, which the Governor approved on June 27, 2018.

Verified, Inc., Greenfan, Inc. were all parties to the proceeding with positions that in certain instances may have overlapped with SBUA.	
<p>d. Intervenor’s claim of non-duplication:</p> <p>Throughout its involvement in the proceeding, SBUA took all reasonable steps to coordinate its efforts with other parties and keep unnecessary duplication to a minimum. SBUA representatives engaged in multi-party discussions, including with Public Advocates and other intervenors, and also participated in CAEECC meetings and workshops covering various topics, in order to identify areas of overlap and minimize repetitive comments. Where SBUA agreed with other parties’ positions, rather than going through lengthy independent analyses, SBUA made short statements of support.</p> <p>SBUA sought to reduce overlap of efforts by presenting unique perspectives on the concerns of small businesses as a group as opposed to other customer classes. SBUA’s advocacy, therefore, differed from that of other ratepayer advocates in that it focused <i>exclusively</i> on the interests of small business community. For example, SBUA successfully advocated for a California-specific definition for “small business enterprises” and to require the IOUs to set a minimum penetration target for small businesses. Therefore, while other parties may have had positions that were similar to SBUA in some instances, our perspectives and goals were necessarily different, and the Commission should find that our efforts were not unduly duplicative on common issues and materially supplemented and contributed to the proceeding.</p>	Noted

PART III: REASONABLENESS OF REQUESTED COMPENSATION

A. General Claim of Reasonableness (§ 1801 and § 1806):

	CPUC Discussion
<p>a. Intervenor’s claim of cost reasonableness:</p> <p>SBUA intervened in this proceeding to protect and advance the interests of small businesses. As noted above, SBUA actively participated throughout the process, by: commenting on the Scoping Memo, the ALJs’ requests for comments on specific issues and metrics, EE business plans, and workforce requirements; participating in discussions, meetings, and workshops with other parties; participating in ex parte meetings with Commissioners; and commenting on the Proposed Decisions. As part of this effort, SBUA is a member and actively participates with the PAs and other interested parties in the CAEECC meetings and workshops.</p> <p>As discussed above, the Commission addressed many of SBUA’s concerns, all of which were aimed at improving small business inclusion</p>	<p><u>Noted.</u></p> <p>It is unclear in whose interest SBUA is advocating. Advocacy on behalf of small business customers is compensable, whereas representation of small businesses seeking contracts with the energy efficiency program</p>

<p>and participation in EE programs. There will be qualitative benefits for small business ratepayers based on the issues and matters SBUA has pursued, although precise quantitative dollar values are difficult to attribute. Given the importance of the SB 350's energy efficiency goals and the IOUs' energy efficiency plans to the State of California, the Commission, and all ratepayers, it is reasonable for SBUA to have participated on behalf of small commercial customers.</p> <p>For these reasons, the Commission should find that SBUA's efforts have been valuable.</p>	<p>administrators would not be. SBUA should make this distinction clear in their future comments in the proceeding.</p>
<p>b. Reasonableness of hours claimed:</p> <p>Kathryn Kriozere served as the lead and coordinating attorney for SBUA in this proceeding. She conducted research and collaborated with other parties in the proceeding to develop recommendations designed to benefit and increase the involvement of small businesses in EE programs. Ms. Kriozere prepared and drafted legal briefs, comments on the ALJ's scoping memo attachments, and comments on the Proposed Decision of ALJ Fitch. Ms. Kriozere's timesheets reflect this time commitment and the role played by SBUA in advocating for small business interests. She devoted a total of 166.3 hours to this proceeding, the equivalent of a little over a month.</p> <p>Ms. Kriozere left SBUA to pursue another employment opportunity with the State of California. Attorney Ivan Jimenez replaced Ms. Kriozere as lead attorney for SBUA in this proceeding. Time spent between Ms. Kriozere and Mr. Jimenez discussing SBUA's interests in this proceeding, past filings, and future deadlines was not included in this compensation request. Mr. Jimenez prepared SBUA's opening and reply comments regarding the Proposed Decision Addressing Workforce Requirements. He devoted a total of 15.9 hours to this proceeding, the equivalent of a little over two days of time.</p> <p>One other SBUA attorney, James Birkelund, also worked on this proceeding. As supervisor and senior attorney, Mr. Birkelund played a critical role in reviewing and editing filings as well as in providing strategic guidance and advice relating to process and development of SBUA's positions and arguments. He devoted a total of 77.9 hours to this proceeding, the equivalent of a slightly under two weeks of time. Mr. Birkelund spent additional time providing support to Mr. Jimenez as he transitioned into the role of lead attorney for SBUA; this time has been left out of SBUA's request.</p> <p>SBUA submits that our recorded attorney hours in this proceeding are reasonable, both as described above, and therefore, SBUA seeks compensation for all of the hours recorded by our attorneys and included in this request.</p>	<p>Noted: Commission denies SBUA's hours worked on Cal PA's application for rehearing, because that was not in scope for the decision for which compensation is claimed.</p> <p>Commission also denies hours booked under Category B, as they are not mutually exclusive from work done under Category A.</p> <p>Commission also finds no direct impact on the decision of hours spent on internal strategy or strategizing for participation at the CAEECC. It is not prudent and reasonable for ratepayers to bear the burden of these costs. These hours should be recovered from the members SBUA serves.</p>

<p>c. Allocation of hours by issue: SBUA has assigned the following issue codes:</p> <ul style="list-style-type: none"> A. Equity for Small Business Customers – 92.7 hours or 35.64% B. Structural and Process Issues – 74.3 hours or 28.56% C. CAEECC Participation – 44.4 hours or 17.07% D. Application of Workforce Requirements – 12.3 hours or 4.73% E. Defining “Small Business Enterprise” – 11 hours or 4.23% F. Contract Modification/Termination – 9.2 hours or 3.54% G. Other Issues (IOU Background Checks / Lighting Control Certification / Miscellaneous) – 16.2 hours or 6.23% <p>SBUA asserts that the categories above are well defined to allow SBUA to accurately assign hours to various tasks in its time entries. Should the Commission wish to see different information on this point or some other breakdown of SBUA’s hourly work, SBUA requests that we be so informed and provided an opportunity to supplement this request accordingly.</p> <p>SBUA submits that all of the hours claimed were reasonably and efficiently expended and should be fully compensated. SBUA also is submitting 29.1 hours for preparing this compensation request and the NOI. Because SBUA had a transition of attorneys shortly (as noted above), and shortly before working on the compensation claim, we are writing off all hours for Mr. Jimenez working on the compensation claim.</p>	See Comments below.
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B. Specific Claim:*

CLAIMED						CPUC AWARD		
ATTORNEY, EXPERT, AND ADVOCATE FEES								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate \$	Total \$
Kathryn Kriozere	2017	109.2	\$230	D.18-08-024	\$25,116	<u>109.2</u> 62.125 [2, 3]	\$230	<u>\$25,116.00</u> 14,288.75
Kathryn Kriozere	2018	57.1	\$235	As above	\$13,418.5	<u>55.7</u> 42.125 [1,2, 3]	\$235	<u>\$13,089.50</u> 9,899.38
James Birkelund	2017	54.3	\$450	D.18-07-036	\$24,435	<u>54.3</u> 33.4 [2, 3]	\$450	<u>\$24,435.00</u> 15,030.00
James Birkelund	2018	23.6	\$485	2018 rate from D.18-07-036 escalated by a	\$11,446	<u>21.6</u> 17.5 [1,2, 3]	\$485	<u>\$10,476.00</u> 8,487.50

				5% step increase (<i>see</i> Comment 2 below)				
Ivan R. Jimenez	2018	15.9	\$175	2017 rate from D.18-09-041, ALJ-352 (2.3% COLA increase for 2018)	\$2,782.5	15.9	\$175	\$2,782.50
Subtotal: \$77,198						Subtotal: <u>\$75,899.00</u> 50,488.13		
INTERVENOR COMPENSATION CLAIM PREPARATION **								
Item	Year	Hours	Rate \$	Basis for Rate*	Total \$	Hours	Rate	Total \$
Kathryn Kriozere	2018	10.3	\$117.5	50% of 2018 rate	\$1,210.25	10.3	\$117.50	\$1,210.25
James Birkelund	2017	6	\$225	50% of 2017 rate	\$1,350	6	\$225	\$1,350.00
James Birkelund	2018	12.8	\$242.5	50% of 2018 rate	\$3,104	12.8	\$242.50	\$3,104.00
Subtotal: \$5,664.25						Subtotal: \$5,664.25		
COSTS								
#	Item	Detail			Amount	Amount		
1.	None	All costs incurred by SBUA are waived. <i>See</i> Comment 1.				\$0.00		
Subtotal: \$						Subtotal: \$0.00		
TOTAL REQUEST: \$82,862.25						TOTAL AWARD: <u>\$81,563.25</u> 56,152.38		
<p>*We remind all intervenors that Commission staff may audit the records and books of the intervenors to the extent necessary to verify the basis for the award (§1804(d)). Intervenors must make and retain adequate accounting and other documentation to support all claims for intervenor compensation. Intervenor’s records should identify specific issues for which it seeks compensation, the actual time spent by each employee or consultant, the applicable hourly rates, fees paid to consultants and any other costs for which compensation was claimed. The records pertaining to an award of compensation shall be retained for at least three years from the date of the final decision making the award.</p> <p>**Travel and Reasonable Claim preparation time are typically compensated at ½ of preparer’s normal hourly rate</p>								

ATTORNEY INFORMATION			
Attorney	Date Admitted to CA BAR ⁴	Member Number	Actions Affecting Eligibility (Yes/No?) If "Yes", attach explanation
Kathryn F. Kriozere	October 2014	298513	No
James M. Birkelund	March 2000	206328	No
Ivan R. Jimenez	December 2016	313644	No

C. Attachments Documenting Specific Claim and Comments on Part III:
(attachments not attached to final Decision)

Attachment or Comment #	Description/Comment
<u>Comment 1:</u> Costs	SBUA is not claiming any office costs in this request or reimbursements for expenses such as postage and printing. SBUA has used electronic mail communication, phone, and conference calls to reduce filing and meeting costs and keep overall costs to a minimum, helping to add to the reasonableness of its claim.
<u>Comment 2:</u> Hourly Rates for James Birkelund	<p>Mr. Birkelund's rate in D.18-07-036 was most recently set at \$460 per hour. In addition, we are asking for a 5% step increase for Mr. Birkelund, resulting in a 2018 rate in this case of \$485 per hour (460*1.05, rounded to the nearest five, per D.13-05-009). Resolutions ALJ-352 states: "It is reasonable to allow individuals an annual 'step increase' of 5%, twice within each experience level and capped at the maximum rate for that level, as authorized by D.07-01-009." Mr. Birkelund is in the 13+ years of experience bracket has not yet received a second step increase in this experience level, and his requested rate with the second step increase is well below the cap of \$600 per hour.</p> <p>SBUA made identical requests for a step increase for Mr. Birkelund's rate in our compensation requests submitted and pending in A.16-06-01 and A.17-06-031, et al.</p>
<u>Comment 3:</u> Hourly Rates for Ivan Jimenez	SBUA asks that the Commission adopt Mr. Jimenez's 2018 rate in this proceeding at \$175 per hour. Mr. Jimenez's rate was set in D.18-09-041 at \$170 per hour, and the Commission approved a Cost-of-Living Adjustment (COLA) of 2.3% adopted by Resolution ALJ-252, which results in a rate of \$175 per hour (2017 rate of \$170 *2.3, rounded to the nearest five, per D.13-05-009).
Attachment 1	Kathryn Kriozere Time Sheets
Attachment 2	James Birkelund Time Sheets

⁴ This information may be obtained through the State Bar of California's website at <http://members.calbar.ca.gov/fal/MemberSearch/QuickSearch>.

Attachment 3	Ivan Jimenez Time Sheets
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D. CPUC Comments, Disallowances, and Adjustments

Item	Reason
[1]	<p>The Commission denies SBUA's request to recover hours worked on filing a response on Cal PA's request for rehearing regarding the cost-effectiveness issue in D.18-05-041. SBUA states that it spent time editing NRDC's letter to the Commission in response to the Cal PA's rehearing. Cal PA's application for rehearing is pending before the Commission. In D.19-10-051 the Commission denied NRDC's claim. The Commission denies SBUA's hours spent on the same issue, as it is premature.</p> <p>Kathryn Kriozere's 2018 hours will be reduced by 1.4 hours</p> <p>James Birkelund's 2018 hours will be reduced by 2 hours</p>
[2]	<p>Regarding work on D.18-05-041 SBUA has <u>submitted in its comments on the Proposed Decision a revised breakdown of hours to assist the Commission in evaluating SBUA's participation.</u>booked hours under two categories —Category (A) equity for small business customers and Category (B) structural and process issues. Both these topics are made to look like two separate issues, whereas they are really the same issue. To review EE Business Plans on equity for small business customers one must consider the structural and process proposals laid out in the Business Plan. By booking hours in Category B, SBUA is essentially double booking hours for the same issue.</p> <p>The hours booked under structural and process category closely follow the hours booked under equity for small business. The two categories are not mutually exclusive, and their impact/ contribution cannot be considered in isolation. We see them as a single issue with excessive hours booked under Category B. We disallow the 74.3 hours booked under Category B. This reduces the claim amount by \$22,330.</p>
[3]	<p>SBUA has booked their time spent on internal strategy hours, such as internal phone calls, strategy for their participation in CAEECC and reading and research time on past Commission decisions. If approved, ratepayers will pay the burden for SBUA attorneys to come up to speed on their subject matter expertise and for their strategy to participate through CAEECC. These activities may help SBUA and their clients further their position, but no direct impact has been shown on an effective outcome in the decision. We reduce the hours booked under Category C, CAEECC participation, by 25%. This adjustment reduces the claim by \$2,960.</p>

[4]	<p>Comments in D.18-10-008 were unclear as to whose interests SBUA was advocating. Representation of small business customers participating in PA energy efficiency programs is compensable activity. Representation of small businesses seeking contracts from a PA is not. While the decision relies on some of the SBUA recommendations, their role and advocacy is ambiguous. In future pleadings, they should clearly identify how their work relates to their advocacy for small business customers.</p>
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PART IV: OPPOSITIONS AND COMMENTS

Within 30 days after service of this Claim, Commission Staff or any other party may file a response to the Claim (*see* § 1804(c))

A. Opposition: Did any party oppose the Claim?	No
B. Comment Period: Was the 30-day comment period waived (<i>see</i> Rule 14.6(c)(6))?	No s

FINDINGS OF FACT

1. Small Business Utility Advocates has made a substantial contribution to D.18-05-041 and D.18-10-008.
2. The requested hourly rates for Small Business Utility Advocates' representatives, as adjusted herein, are comparable to market rates paid to experts and advocates having comparable training and experience and offering similar services.
3. The claimed costs and expenses, as adjusted herein, are reasonable and commensurate with the work performed.
4. The total of reasonable compensation is \$81,563.25 ~~56,152.38~~.

CONCLUSION OF LAW

1. The Claim, with any adjustment set forth above, satisfies all requirements of Pub. Util. Code §§ 1801-1812.

ORDER

1. Small Business Utility Advocates shall be awarded \$81,563.25 ~~56,152.38~~.
2. Within 30 days of the effective date of this decision, Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company shall pay Small Business Utility Advocates their respective shares of the award, based on their California-jurisdictional electric and gas revenues for the 2018 calendar year, to reflect the year in which the proceeding was primarily litigated. Payment of the award shall include compound interest at the rate earned on prime, three-month non-financial commercial paper as reported in Federal Reserve Statistical Release H.15,

beginning March 6, 2019, the 75th day after the filing of Small Business Utility Advocates' request, and continuing until full payment is made.

3. The comment period for today's decision is not waived.
4. This decision is effective today.

Dated _____, at San Francisco, California.

APPENDIX**Compensation Decision Summary Information**

Compensation Decision:		Modifies Decision?	No
Contribution Decision(s):	D1805041, D1810008		
Proceeding(s):	A1701013, et al.		
Author:	ALJ Fitch and ALJ Kao		
Payer(s):	Pacific Gas and Electric Company, San Diego Gas & Electric Company, Southern California Edison Company, and Southern California Gas Company		

Intervenor Information

Intervenor	Date Claim Filed	Amount Requested	Amount Awarded	Multiplier?	Reason Change/Disallowance
Small Business Utility Advocates	12/21/18	\$82,862.25	\$56,152.38 \$81,563.25	N/A	See Disallowances and Adjustments, above.

Hourly Fee Information

First Name	Last Name	Attorney, Expert, or Advocate	Hourly Fee Requested	Year Hourly Fee Requested	Hourly Fee Adopted
James	Birkelund	Attorney	\$450	2017	\$450
James	Birkelund	Attorney	\$485	2018	\$485
Kathryn	Kriozere	Attorney	\$230	2017	\$230
Kathryn	Kriozere	Attorney	\$235	2018	\$235
Ivan	Jimenez	Attorney	\$175	2018	\$175

(END OF APPENDIX)

EXHIBIT 1

ENERGY EFFICIENCY PROCUREMENT REVIEW GROUP DECLARATION REGARDING CONFLICT OF INTEREST

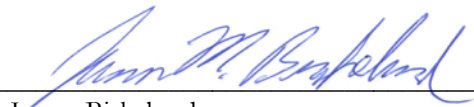
I, James M. Birkelund, declare:

1. I make this Declaration on behalf of myself, James Birkelund, as a duly authorized representative of Small Business Utility Advocates (“Counterparty”), and on behalf of Counterparty, the entity that will be a member of the Energy Efficiency Procurement Review Group “EEPRG”, with Southern California Edison Company (“SCE”) in this matter.
2. Pursuant to California Public Utilities Commission Decision 18-01-004 (“Decision”), SCE will utilize a Procurement Review Group “PRG”, (as such term is used in the Decision) in solicitations or bilateral negotiations for energy efficiency (EE)- third-party program contracts.
3. Counterparty has submitted a proposal (the “Proposal”) to SCE to serve as member of the Energy Efficiency Procurement Review Group “EEPRG” in future solicitations. If selected, Counterparty will serve as a member of the EEPRG in future solicitations through its duly authorized representative(s). Counterparty also agrees that each of its agents, employees and subcontractors who will or might perform substantive work for SCE as a member of the EEPRG will also sign a duplicate original Declaration in his or her individual capacity prior to performing such work.
4. Counterparty is not a financially interested party as defined in Decision (D.)05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto. Additionally, I, my family, my employees, and my business interests are not financially interested parties as defined in D.05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto.
5. Further, I covenant that I will, upon SCE’s request, demonstrate that none of Counterparty, I, my family, my employees, nor my business interests are financially interested parties as defined in D.05-01-055, with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in any future EE third-party program contract solicitations, bilateral negotiations or contract amendments.
6. If at any time I become aware of any financial interest (as described in paragraph 4) in any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in a future EE third-party program contract solicitation or in the outcome of such a solicitation process or in any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) or counterparty or in the outcome of the process of such future activities, I shall promptly notify SCE and the EEPRG members in writing of such financial interest and SCE may remove Counterparty from the EEPRG and take any other appropriate or necessary actions, including, but not limited to reporting such conflict to the California Public Utilities Commission.
7. I represent and warrant that I have read and become familiar with the Decision, particularly all sections, findings of fact, conclusions of law, and ordering paragraphs related to the formation of the EEPRG

(see, e.g., Section 3.4 at pp. 35-36). Consistent with the Decision, I represent, warrant and covenant that I have complied and will comply with the appropriate guidelines established by the Fair Political Practices Commission ("FPPC") concerning conflict of interest, including the guidelines as set forth under the heading "New Conflicts of Interest Regulations (June 10, 2015)" on the FPPC's website at :(<http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/ConflictRegs/18700.pdf>)

8. I understand that for the duration of my participation in the EEPRG, I shall be required to disclose any actual or potential conflict should one arise.
9. I understand that for the duration of my participation in the EEPRG, I may be required to re-execute this Declaration upon the SCE's request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed under the laws of California on April 12, 2018.

Name: 
James Birkelund

Title: President, Small Business Utility Advocates

ENERGY EFFICIENCY PROCUREMENT REVIEW GROUP DECLARATION REGARDING CONFLICT OF INTEREST

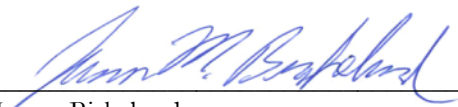
I, James M. Birkelund, declare:

1. I make this Declaration on behalf of myself, James Birkelund, as a duly authorized representative of Small Business Utility Advocates (“Counterparty”), and on behalf of Counterparty, the entity that will be a member of the Energy Efficiency Procurement Review Group “EEPRG”, with San Diego Gas & Electric Company (“SDG&E”) in this matter.
2. Pursuant to California Public Utilities Commission Decision 18-01-004 (“Decision”), SDG&E will utilize a Procurement Review Group “PRG”, (as such term is used in the Decision) in solicitations or bilateral negotiations for energy efficiency (EE)- third-party program contracts.
3. Counterparty has submitted a proposal (the “Proposal”) to SDG&E to serve as member of the Energy Efficiency Procurement Review Group “EEPRG” in future solicitations. If selected, Counterparty will serve as a member of the EEPRG in future solicitations through its duly authorized representative(s). Counterparty also agrees that each of its agents, employees and subcontractors who will or might perform substantive work for SDG&E as a member of the EEPRG will also sign a duplicate original Declaration in his or her individual capacity prior to performing such work.
4. Counterparty is not a financially interested party as defined in Decision (D.)05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto. Additionally, I, my family, my employees, and my business interests are not financially interested parties as defined in D.05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto.
5. Further, I covenant that I will, upon SDG&E’s request, demonstrate that none of Counterparty, I, my family, my employees, nor my business interests are financially interested parties as defined in D.05-01-055, with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in any future EE third-party program contract solicitations, bilateral negotiations or contract amendments.
6. If at any time I become aware of any financial interest (as described in paragraph 4) in any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in a future EE third-party program contract solicitation or in the outcome of such a solicitation process or in any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) or counterparty or in the outcome of the process of such future activities, I shall promptly notify SDG&E and the EEPRG members in writing of such financial interest and SDG&E may remove Counterparty from the EEPRG and take any other appropriate or necessary actions, including, but not limited to reporting such conflict to the California Public Utilities Commission.
7. I represent and warrant that I have read and become familiar with the Decision, particularly all sections, findings of fact, conclusions of law, and ordering paragraphs related to the formation of the EEPRG

(see, e.g., Section 3.4 at pp. 35-36). Consistent with the Decision, I represent, warrant and covenant that I have complied and will comply with the appropriate guidelines established by the Fair Political Practices Commission ("FPPC") concerning conflict of interest, including the guidelines as set forth under the heading "New Conflicts of Interest Regulations (June 10, 2015)" on the FPPC's website at :(<http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/ConflictRegs/18700.pdf>)

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9. I understand that for the duration of my participation in the EEPRG, I may be required to re-execute this Declaration upon the SDG&E's request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed under the laws of California on April 12, 2018.

Name: 
James Birkelund

Title: President, Small Business Utility Advocates

ENERGY EFFICIENCY PROCUREMENT REVIEW GROUP DECLARATION REGARDING CONFLICT OF INTEREST

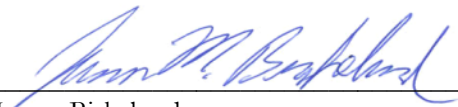
I, James M. Birkelund, declare:

1. I make this Declaration on behalf of myself, James Birkelund, as a duly authorized representative of Small Business Utility Advocates (“Counterparty”), and on behalf of Counterparty, the entity that will be a member of the Energy Efficiency Procurement Review Group “EEPRG”, with Southern California Gas Company (“SoCalGas”) in this matter.
2. Pursuant to California Public Utilities Commission Decision 18-01-004 (“Decision”), SoCalGas will utilize a Procurement Review Group “PRG”, (as such term is used in the Decision) in solicitations or bilateral negotiations for energy efficiency (EE)- third-party program contracts.
3. Counterparty has submitted a proposal (the “Proposal”) to SoCalGas to serve as member of the Energy Efficiency Procurement Review Group “EEPRG” in future solicitations. If selected, Counterparty will serve as a member of the EEPRG in future solicitations through its duly authorized representative(s). Counterparty also agrees that each of its agents, employees and subcontractors who will or might perform substantive work for SoCalGas as a member of the EEPRG will also sign a duplicate original Declaration in his or her individual capacity prior to performing such work.
4. Counterparty is not a financially interested party as defined in Decision (D.)05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto. Additionally, I, my family, my employees, and my business interests are not financially interested parties as defined in D.05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto.
5. Further, I covenant that I will, upon SoCalGas’ request, demonstrate that none of Counterparty, I, my family, my employees, nor my business interests are financially interested parties as defined in D.05-01-055, with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in any future EE third-party program contract solicitations, bilateral negotiations or contract amendments.
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7. I represent and warrant that I have read and become familiar with the Decision, particularly all sections, findings of fact, conclusions of law, and ordering paragraphs related to the formation of the EEPRG

(see, e.g., Section 3.4 at pp. 35-36). Consistent with the Decision, I represent, warrant and covenant that I have complied and will comply with the appropriate guidelines established by the Fair Political Practices Commission ("FPPC") concerning conflict of interest, including the guidelines as set forth under the heading "New Conflicts of Interest Regulations (June 10, 2015)" on the FPPC's website at :(<http://www.fppc.ca.gov/content/dam/fppc/NS-Documents/LegalDiv/Regulations/ConflictRegs/18700.pdf>)

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9. I understand that for the duration of my participation in the EEPRG, I may be required to re-execute this Declaration upon the SoCalGas' request.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Declaration was executed under the laws of California on April 12, 2018.

Name: 
James Birkelund

Title: President, Small Business Utility Advocates

ENERGY EFFICIENCY PROCUREMENT REVIEW GROUP DECLARATION REGARDING CONFLICT OF INTEREST

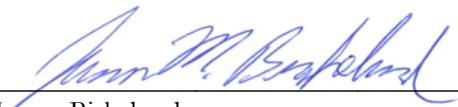
I, James M. Birkelund, declare:

1. I make this Declaration on behalf of myself, James Birkelund, as a duly authorized representative of Small Business Utility Advocates (“Counterparty”), and on behalf of Counterparty, the entity that will be a member of the Energy Efficiency Procurement Review Group “EEPRG”, with Pacific Gas & Electric Company (“PG&E”) in this matter.
2. Pursuant to California Public Utilities Commission Decision 18-01-004 (“Decision”), PG&E will utilize a Procurement Review Group “PRG”, (as such term is used in the Decision) in solicitations or bilateral negotiations for energy efficiency (EE)- third-party program contracts.
3. Counterparty has submitted a proposal (the “Proposal”) to PG&E to serve as member of the Energy Efficiency Procurement Review Group “EEPRG” in future solicitations. If selected, Counterparty will serve as a member of the EEPRG in future solicitations through its duly authorized representative(s). Counterparty also agrees that each of its agents, employees and subcontractors who will or might perform substantive work for PG&E as a member of the EEPRG will also sign a duplicate original Declaration in his or her individual capacity prior to performing such work.
4. Counterparty is not a financially interested party as defined in Decision (D.)05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto. Additionally, I, my family, my employees, and my business interests are not financially interested parties as defined in D.05-01-055 with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in future EE third-party program contract solicitations or in the outcome of such future solicitation processes, except as otherwise disclosed in the completed EEPRG Qualification Questionnaire attached hereto.
5. Further, I covenant that I will, upon PG&E’s request, demonstrate that none of Counterparty, I, my family, my employees, nor my business interests are financially interested parties as defined in D.05-01-055, with respect to any of the potential bidders (or any California Investor Owned Utility affiliate, regardless of whether or not such affiliate is a potential bidder) in any future EE third-party program contract solicitations, bilateral negotiations or contract amendments.
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7. I represent and warrant that I have read and become familiar with the Decision, particularly all sections, findings of fact, conclusions of law, and ordering paragraphs related to the formation of the EEPRG

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Name: 
James Birkelund

Title: President, Small Business Utility Advocates